also from supervising or overseeing undercover investigations themselves, since the very nature of the undercover operation conduct involves deception. Thus, in Oregon, government attorneys may risk violating the ethics rules when they supervise legitimate criminal and civil law enforcement investigations that use investigative methods recognized by courts as lawful.

GRAND JURY INVESTIGATIONS

In a series of existing grand jury investigations, an attorney for a corporation under investigation prevented interviews of corporate employees by federal agents because of the rule governing contacts with represented persons. The following examples took place after the McDade law was passed.

a. In John Doe Corp. #1, as federal agents began to execute a search warrant at a company, the attorney for the corporation announced over the loudspeaker that he represented all of the employees and that no interviews could take place.

b. In John Doe Corp. #2, agents of the U.S. Customs Service executed a search warrant at a computer component manufacturer in a major U.S. city. While executing the warrant at Company A, a lawyer called the prosecutor and claimed to represent all employees at Company A and its subsidiaries. During the search the manager of Company B, a subsidiary of Company A, approached the agents and asked to cooperate, offering to tape conversations with those managers above him who had committed crimes. Because Company B was controlled by Company A, the prosecutor directed the agents not to conduct any undercover meetings or interview the potential witness.

Virtually every investigation involving a corporation is now subject to interference where none existed before.

WHISTLE BLOWER ACTIONS

Increasingly, the government uses its civil enforcement powers under federal statutes to crack down on corporations that engage in health care fraud, defense contractor fraud, and other frauds that cost the government—and the taxpayers—substantial sums of money. One method of pursuing such fraud claims is through qui tam suits, which often are initiated by corporate employees seeking to ''blow the whistle'' on offending companies.

Many states' ethics rules forbid government attorneys from obtaining relevant information from concerned whistle blowers and corporate ''good citizens'' without the consent of the counsel that represents the corporation whose conduct is under investigation. This prohibition, which affects criminal investigations as well, presents a particularly acute problem in civil enforcement investigations. Unlike criminal investigations, which sometimes can be conducted in the first instance by law enforcement officers, without the involvement of government attorneys (and the restrictions that attorneys' involvement brings), civil enforcement actions often are investigated directly by the government attorneys themselves, as the resources of federal law enforcement authorities typically are not available for civil enforcement matters.

WE NEED TO FIX THE MCDADE LAW

Due to my serious concerns about the adverse effects of the McDade law on federal law enforcement efforts, I introduced S. 855, the Professional Standards for Government Attorneys Act, on April 21, 1999. The Justice Department states that ''S. 855 is a good approach that addresses the two most significant problems caused by the McDade Amendment—confusion about what rule applies and the issue of contacts with represented parties.'' (Justice Department Response, dated November 17, 1999, to Written Questions of Senator LEAHY).

Since that time, I have conferred with the Chairman of the Judiciary Committee about crafting an alternative to the McDade law. This alternative would adhere to a basic concern of proponents of the McDade provision: the Department of Justice would not have the authority it has long claimed to write its own ethics rules. The legislation would establish that the Department may not unilaterally exempt federal trial lawyers from the rules of ethics adopted by the federal courts. Federal—not state—courts are the more appropriate body to establish rules of professional responsibility for federal prosecutors, not only because federal courts have traditional authority to establish such rules for federal practitioners generally, but because the Department lacks the requisite objectivity.

The measure would reflect the traditional understanding that when lawyers handle cases before a federal court, they should be subject to the federal court's rules of professional responsibility, and not to the possibly inconsistent rules of other jurisdictions. But incorporating this ordinary choice-of-law principle, the measure would preserve the federal courts' traditional authority to oversee the professional conduct of federal trial lawyers, including federal prosecutors. It thus would avoid the uncertainties presented by the McDade provision, which subjects federal prosecutors to state laws, rules of criminal procedure, and judicial decisions that differ from existing federal law.

The measure would also address the most pressing contemporary question of government attorney ethics—namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the federal judiciary traditionally is responsible for overseeing the conduct of lawyers in federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

The problems posed to federal law enforcement investigations and prosecutions by the current McDade law are real with real consequences for the health and safety of Americans. I urge the Chairmen of the House and Senate Judiciary Committees, and my other colleagues, to work with me to resolve those problems in a constructive and fair manner.

REMEMBERING THOSE WHO DIED ON D-DAY

Mr. ROBB. Mr. President, as we approach the 56th Anniversary of D-Day, June 6th, 1944, we should pause to reflect on the valor and sacrifice of the men who died on the beaches of Normandy. In the vanguard of the force that landed on that June morning, was the 116th Infantry Regiment, 29th Infantry Division. In 1944 the 116th Infantry Regiment, as it is today, was a National Guard unit mustering at the armory in Bedford, Virginia. They drew their members from a town of only 3,200 people and the rich country in central Virginia nestled in the cool shadows of the Blue Ridge Mountains.

On the morning of June 6th, 1944, Company A led the 116th Infantry Regiment and the 29th Infantry Division ashore, landing on Omaha Beach in the face of withering enemy fire. Within minutes, the company suffered ninety-six percent casualties, to include twenty-one killed in action. Before nightfall, two more sons of Bedford from Companies C and F perished in the desperate fighting to gain a foothold on the blood-soaked beachhead. On D-Day, the town of Bedford, Virginia gave more of her sons to the defense of freedom and the defeat of dictatorship, than any other community (per capita) in the nation. It is fitting that Bedford is home to the national D-Day Memorial. But we must remember that this memorial represents not just a day or a battle—it is a marker that represents individual soldiers like the men of the 116th Infantry Regiment—every one a father, son, or brother. Each sacrifice has a name, held dear in the hearts of a patriotic Virginia town—Bedford.

Mr. President, in memory of the men from Bedford, Virginia who died on June 6th, 1944, I ask unanimous consent that their names be printed in the

RECORD at the end of my statement as a tribute to the town of Bedford, and every soldier, sailor, airman, and Marine who has made the supreme sacrifice in the service of our country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPANY A

Leslie C. Abbott, Jr., Wallace R. Carter, John D. Clifton, Andrew J. Coleman, Frank P. Draper, Jr., Taylor N. Fellers, Charles W. Fizer, Nick N. Gillaspie, Bedford T. Hoback, Raymond S. Hoback, Clifton G. Lee, Earl L. Parker, Jack G. Powers, John F. Reynolds, Weldon A. Rosazza, John B. Schenk, Ray O. Stevens, Gordon H. White, Jr., John L. Wilkes, Elmere P. Wright, Grant C. Yopp.

COMPANY C

Joseph E. Parker, Jr.

COMPANY F

John W. Dean.

10TH ANNIVERSARY OF THE FREE AND FAIR ELECTIONS IN BURMA

Mrs. FEINSTEIN. Mr. President, as an original co-sponsor of Senator MOYNIHAN's resolution commemorating the 10th anniversary of the free and fair elections in Burma which were overturned by a military junta, I rise today to mark that event and to discuss the repressive conditions that have dominated the lives of the Burmese people for the past 37 years and that continue to define the terms of their existence to this very day.

For the past 12 years, a brutal authoritarian regime has denied the Burmese people the most basic human freedoms, including the rights of free speech, press, assembly, and the right to determine their own political destiny through free and competitive elections.

In 1988, the government led by General Ne Win—who overthrew the popularly elected government of Burma in 1962—brutally suppressed popular prodemocracy demonstrations. In September of that same year, the Government, in a futile public relations gambit to deflect international censure, reorganized itself into a junta of senior military officers and renamed itself the State Law and Order Restoration Council (SLORC).

The SLORC seemed to bow to international opinion in 1990, when it permitted a relatively free election for a national parliament, announcing before the election that it would peacefully transfer power to the elected assembly.

Burmese voters overwhelmingly supported anti-government parties, one of which, the National League for Democracy (NLD)—the party of Aung-San Suu-Kyi—won more than 60 percent of the popular vote and 80 percent of the parliamentary seats.

SLORC's public promises were a fiction. The military junta nullified the results of the elections and thwarted efforts by NLD representatives and others elected in 1990 to convene the rightfully elected parliament.

Instead, SLORC convened a government-controlled body, the National Convention, with the goal of approving a constitution to ensure that the armed forces would have a dominant role in the nation's future political structure. The NLD has declined to participate in the National Convention since 1995, perceiving it to be nothing more than a tool of the ruling military elite.

SLORC reorganized itself again in 1997, changing its name to the State Peace and Development Council (SPDC). But an oppressive regime by any other name remains an oppressive regime. Burma continues to be ruled by a non-elected military clique, this time headed by General Than Shwe. And, even though Ne Win ostensibly relinquished power after the 1988 pro-democracy demonstrations, in reality, he continues to wield informal, if declining, influence.

To this day, Burma continues to be ruled by fiat, denied both a valid constitution and a legislature representing the people.

To solidify its hold on power and suppress Burma's widespread grassroots democracy movement, the military junta—whether it be named SLORC or the SPDC—has engaged in a campaign of systematic human rights abuses throughout the 1990s. It has been aided in this effort by the armed forces—whose ranks have swelled from 175,000 to 400,000 soldiers—and the Directorate of Defense Services Intelligence (DDSI), a military and security apparatus that pervades almost every aspect of a Burmese citizen's life.

For many in Burma, the prospect for life has become nasty, brutish, and short. Citizens continue to live a tenuous life, subject at any time and without appeal to the arbitrary and too often brutal dictates of a military regime. There continue to be numerous credible reports, particularly in areas populated mostly by ethnic minority, of extrajudicial killings and rape. Disappearances happen with sickening regularity. Security forces torture, beat, and otherwise abuse detainees. Prison conditions are harsh and life threatening. Arbitrary arrest and detention for holding dissenting political views remains a fact of life. Since 1962, thousands of people have been arrested, detained, and imprisoned for political reasons, or they have ''disappeared''. Reportedly, more than 1,300 political prisoners languished in Burmese prisons at the end of 1998.

The Burmese judiciary is an SPDC tool. Security forces still systematically monitor citizens' movements and communications, search homes without warrants, relocate persons forcibly without just compensation or due process, use excessive force, and violate international humanitarian law in internal conflicts against ethnic insurgencies.

The SPDC severely restricts freedom of speech and of the press, and restricts academic freedom: since 1996, government fear of political dissent has meant the closing of most Burmese institutions of higher learning. And even verbal criticism of the government is an offense carrying a 20-year sentence.

And while the SPDC claims it recognizes the NLD as a legal entity, it refuses to recognize the legal political status of key NLD party leaders, particularly General-Secretary and 1991 Nobel Laureate Aung San Suu Kyi and her two co-chairs. The SPDC constrains their activities severely through security measures and threats.

The SPDC restricts freedom of religion. It exercises institutionalized control over Buddhist clergy and promotes discrimination against non-Buddhist religions. It forbids the existence of domestic human rights organizations and remains hostile to outside scrutiny of its human rights record. Violence and societal discrimination against women remain problems, as does severe child neglect, the forced labor of children, and lack of funding and facilities for education.

In sum, as the latest biannual State Department report on:

> Conditions in Burma and U.S. Policy Towards Burma notes, over the last six months the SPDC has made no progress toward greater democratization, nor has it made any progress toward fundamental improvement in the quality of life of the people of Burma. The regime continues to repress the National League for Democracy . . . and attack its leader, Aung San Suu Kyi, in the state-controlled press.

Burma's political repressiveness is matched only by its poverty. Burma's population is thought to be about 48 million—we can only rely on estimates because government restrictions make accurate counts impossible. The average per capita income was estimated to be about $300 in 1998, about $800 if considered on the basis of purchasing power parity.

Things do not have to be this way. Burma has rich agricultural, fishing, and timber resources. It has abundant mineral resources—gas, oil, and gemstones. The world's finest jade comes from Burma. But the economic deck is stacked against Burma.

Three decades of military rule and economic mismanagement have created widespread waste, loss, and suffering. Economic policy is suddenly reversed for political reasons. Development is killed by overt and covert state involvement in economic activity, state monopolization of leading exports, a bloated bureaucracy, arbitrary and opaque governance, institutionalized corruption, and poor human and physical infrastructure. Smuggling is rampant; the destruction of the environment goes on unabated. Decades of